

REMARKS

This application has been carefully reviewed in light of the Office Action mailed September 2, 2005. At the time of the Office Action, Claims 10-19 and 25-37 were pending in the application. Applicant amends Claims 10 and 31 without prejudice or disclaimer. Applicant's amendments have been done to advance prosecution in this case and not to overcome prior art. Applicant respectfully requests reconsideration of the pending claims and favorable action in this case.

Section 102 Rejection

The Examiner rejects Claims 10-12, 15-19, 25-29, and 31-37 under 35 U.S.C. §102(e), as being anticipated by U.S. Statutory Invention Registration No. H1944 H issued to Cheswick et al. (hereinafter “*Cheswick*”). Applicant respectfully requests reconsideration of this rejection of the above-mentioned claims. “A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987); M.P.E.P. §2131.

Applicant respectfully submits that *Cheswick* does not disclose, teach, or suggest, either expressly or inherently, each and every element of Claim 10. For example, *Cheswick* does not disclose, teach, or suggest “processing the electronic communication using the requested process upon validating the identification key.” Instead, *Cheswick* discloses receiving communication streams external to a private network, such as a public network, and passing the communication streams through a firewall security device that “applies and delivers a set of standard security routines thereby protecting the client from security breaches.” Col. 3, ll. 54-64. In fact, the Examiner “interpret[s] . . . that the communications comprise requested processes selected from a forward request, a send request, a save request, a delete request, a reply request, and a check request,” rather than relying on the disclosure of *Cheswick*. *Office Action*, p. 3. Because *Cheswick* fails to disclose, teach, or suggest at least these limitations, Applicant respectfully submits that *Cheswick* cannot anticipate Claim 10 under 35 U.S.C. §102(e). Thus, Applicant respectfully requests reconsideration and allowance of independent Claim 10 along with its dependents.

Independent Claims 25 and 34 each recite certain limitations that, for reasons substantially similar to those discussed with reference to Claim 10, *Cheswick* does not disclose, teach, or suggest. Therefore, Applicant respectfully requests reconsideration and allowance of independent Claims 25 and 34 together with their dependents.

Sections 103 Rejection

The Examiner rejects Claims 13 and 30 under 35 U.S.C. §103(a), as being unpatentable over *Cheswick* in view of U.S. Patent No. 5,974,549 issued to Golan (hereinafter “*Golan*”). “To support the conclusion that the claimed invention is directed to obvious subject matter, either the references must expressly or impliedly suggest the claimed invention or the examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references.” M.P.E.P. §706.02(j) (citing *Ex parte Clapp*, 227 U.S.P.Q. 972, 973 (Bd. Pat. App. & Inter. 1985)). Applicant respectfully submits that the Examiner does not present either to support the rejection under 35 U.S.C. §103(a).

Applicant respectfully submits that the combination fails to disclose, teach, or suggest each limitation recited in Applicant’s claims. Dependent Claims 13 and 30, which depend upon independent Claims 10 and 25, respectively, are not obvious over *Cheswick* in view of *Golan*. Claims 13 and 30 include the limitations of their respective independent claim and add additional elements that further distinguish the art. Accordingly, Applicant respectfully submits that Claims 13 and 30 are patentable in light of the cited references, and respectfully requests reconsideration and allowance of Claims 13 and 30.

Allowable Subject Matter

The Examiner objects to Claim 14 as being dependent upon a rejected base claim, but would allow the claim if rewritten in independent form including all of the limitations of the base claim and any intervening claims. *Office Action*, p. 6. As discussed above, Applicant believes that independent Claim 10 (from which Claim 14 depends) is allowable as written. Therefore, Applicant has kept Claim 14 in its dependent form and respectfully submits that Claim 14 is allowable in its dependent form. Accordingly, Applicant respectfully requests reconsideration and allowance of Claim 14. Applicant appreciates the allowance of Claims 31-33. Applicant

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10

amends Claim 31 to correct a typographical error. Accordingly, all pending claims have been shown to be allowable, and Applicant respectfully requests reconsideration and allowance of the pending claims.

CONCLUSION

Applicant has now made an earnest attempt to place this case in condition for immediate allowance. For the foregoing reasons and for all other reasons clear and apparent, Applicant respectfully requests reconsideration and allowance of the pending claims.

Applicant believes that no fee is due. However, if this is not the case, the Commissioner is hereby authorized to charge any amount required or credit any overpayment to Deposit Account No. 02-0384 of BAKER BOTTS L.L.P.

If there are matters that can be discussed by telephone to advance prosecution of this application, Applicant invites the Examiner to contact its attorney, Barton E. Showalter, at (214) 953-6509.

Respectfully submitted,
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